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California Regional Water Quality Control Board

Los Angeles Region

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Gray Davis
Governor

Los Angeles Regional Water Quality Control Board Minutes of the January 11, 2001 Board Meeting The Metropolitan Water District of Southern California 700 North Alameda Street, Los Angeles, California

INTRODUCTION

1. The meeting was called to order by Chairman Nahai at 9:10 a.m.

Board Members Present

Susan Cloke, Francine Diamond, Robert Miller, Bradley Mindlin, H. David Nahai,

Board Members Absent

Christopher Pak, Timothy Shaheen

Staff Present

Dennis Dickerson, Jorge Leon, Robert Sams, Deborah Smith, Dennis Dasker, Wendy Phillips, Arthur Heath, Dixon Oriola, Jonathan Bishop, Ronji Harris, Laura Gallardo, Melinda Becker, Renee De Shazo, Jack Price, Jaydeb Das, Morton Price, Paula Rasmussen, David Koo, Rick Vergets, Jeffrey Hu, Winnie Jesena, Wendy Phillips, Hugh Marley

Others Present

Jacqy Gamble, Las Virgenes Municipal Water District	Mark Gold, Heal the Bay
Fred Gaines, Gaines & Stazzy	Jim Langley, City of Los Angeles
Donald Kendall, Calleguas Municipal Water District	Grant Adamson, Serra Canyon Co.
Paul Tantet, Bio Solutions, Inc.	Helmut Martinek, Malibu Bay Club
Elizabeth Huff, County of Ventura Environmental Health	Paul Smokler, ENSR
Jack Cordova, Malibu Bay Club	Michael Magee, Malibu Bay Club
Donald Desfor, Malibu Bay Club	Steven Braband, Bio Solutions, Inc.
Judy Wilson, City of Los Angeles	Robert Horvath, L.A. County Sanitation District
Tim Nanson, City of Simi Valley	Rob Vogel, Renaissance Partners
Sandy Britt, Law Crandall	John Behjen, City of Simi Valley
Greg Magnuson, Rep. Assemblyman Lowenthal	Lidia Lustig, L.A. County DPW
Mike Kleinbrodt, City of Simi Valley	Rodney Andersen, City of Burbank
Jacqueline Lambrichts, Friends of the San Gabriel River	
Oscar Enriquez, L.A. County Department of Public Works	

Pledge of Allegiance.

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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

1. Roll Call

A roll call was taken.

2. Order of Agenda.

The Executive Officer, Dennis Dickerson recommended the following changes to the Agenda.

- *Addition to Item 13, Malibu Bay Club ACL*
- *Recognition Ceremony, Item 4, to be postponed to the January 25, 2001 meeting.*

3. Introduction of New Staff.

Dennis Dickerson introduced the new staff to the Board.

4. Recognition Ceremony.

Postponed to the January 25, 2001 Board Meeting.

5. Election of Officers.

H. David Nahai was nominated as Chair, and Francine Diamond was nominated as Vice Chair.

The vote was unanimously carried.

6. Adoption of Board Meeting Schedule for 2001.

MOTION: By Ms. Diamond, Seconded by Ms. Cloke, and approved on a voice vote.

7. Board Member Ex Parte Communication Disclosure.

There was nothing reported on this matter.

8. Public Forum.

Don Kendall, Calleguas Water District briefed the Board on the Calleguas Watershed Management effort, and Characterization Study. He expressed that he would like the water suppliers to talk with the Board, and have continued dialogue with the Board. He also mentioned a "State of the Watershed Conference" to be held on January 19, 2001, and invited the Board to attend.



Jim Langley, City of Los Angeles Bureau of Sanitation, expressed his objections to the recent EPA, and Regional Board lawsuit filed against the City of Los Angeles for wet weather spills. He stated that there was no necessity for assessment against the City.

9. Consent Calendar.

There was a motion to adopt the consent calendar at 10.1-10.16.

MOTION: By Ms. Diamond, seconded by Mr. Mindlin, and approved on a voice vote.

WASTE DISCHARGE REQUIREMENTS

11. Consideration of tentative Revised Waste Discharge Requirements and a Time Schedule Order for the Serra Canyon Company Limited (Malibu Beach Recreational Vehicle Park).

- 11.1 Revised Waste Discharge Requirements
- 11.2 Time Schedule Order

Paula Rasmussen, Chief in the Enforcement Section at the Board, gave the staff presentation. She stated that the Serra Canyon Company operates the Malibu Beach Recreational Park in Malibu, and it's seepage pit is located 400 feet from the Pacific Ocean. Staff proposed the discharger to upgrade their treatment system or install a new system. She indicated that she had concerns with the comments received from Serra Canyon Company dated 01/08/01. Staff recommendation is that the Board adopt the tentative WDR and Time Schedule Order with monitoring and reporting requirements.

Chairman Nahai wanted to know if staff contemplated that the capacity of this system will increase to 18,000 GPD, and if staff is intending to allow an increase in capacity until the upgrades are in place.

Ms. Diamond questioned staff regarding water imbalance.

Rick Vergets, Board staff, responded to Ms. Diamonds questions.

Ms. Cloke had questions for staff regarding slope stability.

Rick Vergets responded to Ms. Cloke's questions.

Fred Gaines, Gaines and Stacey, attorney for Malibu Beach Recreational Vehicle Park, in opposition to staff recommendation, stated that the Recreational Vehicle Park has been there for 28 years, and there were no assessments done at the site, and there is no evidence of any violation at the site. The discharger is opposed to surface monitoring being changed from quarterly to monthly. Mr. Gaines stated that the discharger is



asking for 18,000 gpd discharge in the permit because they plan to redo the system to a higher capacity.

Chairman Nahai stated that the Board would rather mandate a capacity of 12,000 rather than allow an increased capacity of 18,000, especially if the discharger does not need 18,000.

Jorge Leon, Staff Counsel asked Chairman Nahai to have Serra Canyon address the unreported growth that was observed in the application process regarding the number of seepage pits. Mr. Leon stated that the Draft Order indicates that there are 29 seepage pits, but the number had increased; and the more seepage pits you have, the more capacity you have. Mr. Leon indicated that the Water Code has a requirement for substantial modifications with significant changes in discharges to be reported to the Board, and there's nothing in the file that indicates this increase with regard to the seepage pits.

Grant Adamson, Owner of Serra Canyon Company stated that the average daily flow over a month is 8,000, but at times, usually in the summer, the flow has come close to the maximum of 12,000, due to the growth of business in the park. He stated that this is the largest capital improvement ever done since the park was built, and they would like to make sure there is enough capacity in the system, so that there is no violation. He compared the current Draft WDR to the previous WDR, and addressed his concern with the issues of "detectable odors" as indicated in the permit. He stated that no secondary treatment will guarantee that there will be no odors. He recommends that the Board change the language in the permit to "The odors should not be detectable beyond the boundaries of the property". Mr. Adamson also stated that all 29 pits are not receiving effluent. He stated that some of the older pits are operating at a reduced level.

Jorge Leon made comments on the legal standards applicable to the Waste Discharge Requirements. Mr. Leon asked Mr. Adamson to clarify the precise amount of RV sites, and seepage pits at the site.

Paul Tantet, Environmental Bio-Solutions, consultant for Serra Canyon, addressed statements made by Paula Rasmussen. On page 6 of the WDR states that "No Volatile Organic Compounds are to be discharged into the seepage pit disposal system", the discharger requests that the language be changed. He stated that he would like to put a limit on "no" and have reflecting levels that are outlined in the Basin Plan. Mr. Tantlet also addressed the seepage pit issues discussed earlier.

Mark Gold, Heal the Bay stated that he strongly supports the staff recommendation, and this is a strong WDR and he is pleased that the Board is moving in this direction on these issues. He indicated that he supports the monitoring to assess ground water in the bay, and he supports the TSO. Mr. Gold made comments on the annual reporting, and stated that there should be a summary of maintenance reports.

Jorge Leon, Staff Counsel, addressed some legal issues regarding the permit and the Malibu area.



Dennis Dasker, Assistant Executive Officer, clarified some issues that were raised with regards to modifying the proposed requirement for odors in the revised permit.

Dennis Dickerson, Executive Officer made closing comments regarding the general permit, and it's applicability. He also gave reference to the general waste discharge requirement on calendar for the January 25, 2001 meeting. He stated that the issue raised here is whether this facility should be regulated under the general permit, or if it deserves an individual permit.

After much discussion and questions by the Board, there was a motion to adopt the revised Waste Discharge Requirements, and Time Schedule Order with changes as noted:

- *The change set forth on the change sheet provided today.*
- *Page 11.1-17, addition of a footnote with respect to effluent monitoring as suggested by staff.*
- *Page 11.1-9, Paragraph 2,A2; allowable capacity of 18,000 GPD will not be affected until all of the upgrades have been properly and timely put into place in accordance with the WDRs and the TSO and subject to the condition that staff or the EO shall have approved the evaluation study as to slope stability and other adverse effects of 18,000 GPD flow into the hillside with those reports to be provided by July 31, 2001.*
- *Page 11.1.12, paragraph 4, change "no less than twice during the life of the permit", to "not less than once every two years".*
- *Page 10 AC, after the words "the change in any condition", add comma, "or the discovery of any information," comma .*
- *Page 11.1.14, after the word "rescinded", add language to the effect of "except for enforcement of Order No. 95-018".*
- *Page 11.1-10, end of paragraph 3, C#, The language that says "the discharger may not comply," delete, and change the language to read, "The Executive Officer shall have the authority to waive compliance with this requirement for a minimum 10 foot vertical separation between the septic system and the water table; provided," comma, "however" comma, "that a minimum 5 foot vertical separation must be maintained at all times and in all events."*
- *Page 11.1-21, numeral 5, add "Operation Maintenance Report."*

MOTION: By Chairman Nahai, seconded by Mr. Mindlin, and approved on a voice vote.

The Board took a lunch break at 12:10 p.m.

The meeting reconvened at 1:15 p.m.



13. Consideration of tentative Revised Waste Discharge Requirements and a tentative Cease and Desist Order for the Malibu Bay Club, Inc.

The Administrative Civil Liability was heard prior to and separately from the WDR and CDO.

Paula Rasmussen gave the staff presentation. She summarized the compliance history, and stated that two notices of non-compliance were issued. One on February 24, 1998 for failure to submit monitoring reports, and the other on July 25, 1995 for sewage seeping from the sea wall. She indicated that Order 94-136 was also violated by the Malibu Bay Club. Ms. Rasmussen also addressed the comments that were received. Ms. Rasmussen stated that she believes the discharge was avoidable, and recommends that the Board affirm the proposed penalty of \$46,530 for the violations.

Elizabeth Huff, County of Ventura Environmental Health Division, gave the background history of their complaint against Malibu Bay Club. She stated that in the Malibu Bay Club discharge of 12/27/99, there was sewage and fecal waste. She stated that there were two other complaints received against Malibu Bay Club, one on 1/24/00, and the other on 1/26/00.

Robert Sams, Assistant Legal Counsel to the Board, questioned Ms. Huff regarding photos that were submitted into evidence by the County of Ventura Environmental Health Division.

Ms. Huff responded to questions by Mr. Sams.

Fred Gaines, attorney for the Malibu Bay Club, Inc., stated that Malibu Bay Club is opposed the staff recommendation for the ACL fine. He indicated that the ACL letter was sent to the wrong address, and the wrong person. He also elaborated on various other documents that were sent from the Board.

Helmut Martinek, Real Support, Homeowners Association, representing Malibu Bay Club, Inc., gave a brief background history to the Board. He gave clarification on the leach fields, the sea wall, and the discharge on the beach, but stated that he could not determine what the discharge consisted of. He stated that he did not receive the ACL letter from the Board.

Mr. Fred Gaines, attorney for the Malibu Bay Club, examined Mr. Martinek for clarification on some issues.

Paul Smokler, ENSR Consulting gave information to the Board on ground water data. He indicated that fecal cholorform was, was non-detect, and no human contamination has been detected at the site.

Fred Gaines, in closing stated that the Malibu Bay Club acted in good faith accordingly, and yet they are receiving the maximum penalty, and there is no factual basis for it.



Others who gave testimony on this matter and opposed staff recommendation:

Donald Desfour, Board member, Malibu Bay Club, Inc.

Jack Cordova, Board Member, Malibu Bay Club, Inc.

Michael Mugee, Board Member, Malibu Bay Club, Inc.

At 3:15 p.m. the Board went into an Executive Session to deliberate on this matter.

The Board reconvened at 3:50 p.m.

After some discussion by the Board, there was a motion to affirm the ACL with the penalty modified:

- *Failure to heed notice – Staff's fine was changed from \$100 per day to \$10.00 per day.*
- *Staff time upheld \$9,800*
- *Economic Benefit – \$9,930 changed to \$3,310*
- *The penalty of \$20,000 per day was changed to \$6,000 per day totaling \$12,000*
- *The ACL penalty was changed from \$46,000 to \$25,790*

MOTION: By Chairman Nahai, seconded by Ms. Diamond, and approved on a voice vote.

12. Consideration of tentative Waste Discharge Requirements and a Time Schedule Order for the Malibu Creek Preservation Company.

The staff presentation for the Malibu Creek Preservation Company was waived.

Steven Braband, Bio Solutions, Inc. recommended changes to the Board. He stated that there would be a financial burden to the discharger, and asked the Board to direct them to the proper sources for financial assistance with EPA grants for cleanup assistance.

Mark Gold, Heal the Bay, stated that he supports staff recommendation. Informed the Board that the site has leachfield and groundwater issues less than two feet. He also mentioned that the site is 303d listed for nitrates and eutrophication.

There was a motion made to approve the tentative Waste Discharge Requirements and Time Schedule Order with changes.

- *Addition of a footnote with respect to effluent monitoring as suggested by staff.*
- *Change "not less than twice during life of the permit" to "not less than every 2 years"*
- *Page 12.1-10, delete the sentence that begins with the words "septic systems..." , and in paragraph 3, change 10 feet to 5 feet and delete the very last sentences beginning with the word "however" through the word "table".*

MOTION: By Chairman Nahai, seconded by Mr. Miller, and approved on a voice vote.



INFORMATION ITEMS

15. Status Report on Publicly Owned Treatment Works' (POTWs) progress towards compliance with freshwater ammonia objectives (required by the Basin Plan) for protection of aquatic life.

Renee De Shazo, Board updated the Board on this subject. In her status report she mentioned that compliance by the dischargers is expected to be attained by June 13, 2002. She also stated that objectives were established to protect aquatic life, and ammonia is highly toxic to aquatic life. She gave the status of waterbodies, and summarized staff's proposal.

Jim Langley, City of Los Angeles recommended the Board improve the Basin Plan by going with EPA's guidelines for ammonia objectives.

Bob Horvath, County Sanitation Districts of Los Angeles County, stated that the County has been doing a lot of research and studying requirements for seven different plants with individual designs for each treatment plant.

There were questions by the Board directed to staff.

Deborah Smith, Assistance Executive Officer, and Jonathan Bishop, Chief, Regional Programs at the Board responded to questions by the Board.

Chairman Nahai directed staff to appoint a committee of the Board to hold two meetings with staff (committee to consist of 3 members), then set up a workshop to discuss the issues of concern.

14. Consideration of a Resolution requesting the Board adopt a Mitigated Negative Declaration for a Pilot Study using potassium permanganate to remediate volatile organic compounds in groundwater at the Lindburg Heat Treating Company located in Huntington Park; and to adopt Waste Discharge Requirements for groundwater remediation.

Susan Cloke had questions for staff. Staff responded to Ms. Cloke.

There was a motion to adopt the Mitigated Declaration and the Waste Discharge Requirements.

MOTION: By Chairman Nahai, seconded by Ms. Diamond, and approved on a voice vote.



17. Brief discussion of waste volume issues with general NPDES permits for de-watering operations.

Ed Vogel, Renaissance Partners, and Sandy Britt, Law/Crandall made brief comments to the Board.

24. Adjournment of Current Meeting.

The meeting adjourned at 6:40 p.m. The next regular meeting is scheduled for March 29, 2001, at the City of Camarillo, Council Chambers, located at 601 Carmen Drive, in Camarillo, at 9:00 a.m.

Minutes adopted at the _____ Regular Board meeting submitted/amended.

Written and submitted by: _____.

